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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
FRANCISCO ROMERO VIAN, )  
 )  
Defendant. )  
\_\_\_\_\_ )

No. CR 3-08-70172 JCS

STIPULATION AND [PROPOSED]  
ORDER EXCLUDING TIME FROM  
MARCH 28, 2008 THROUGH APRIL 24,  
2008

On March 28, 2008, the parties in this case appeared before the Court for an initial appearance on the criminal complaint. The defendant was released on a \$50,000, unsecured personal recognizance bond. At that time, and the parties requested and the Court agreed to set the preliminary hearing for April 24, 2008. The parties further stipulated that pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from March 28, 2008 through April 24, 2008. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant also agrees to exclude for this period of time any time limits applicable under Title 18, United States Code, Section 3161. The parties represented that granting the

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1 continuance was the reasonable time necessary for continuity of defense counsel and effective  
 2 preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C.  
 3 § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a  
 4 continuance outweighed the best interests of the public and the defendant in a speedy trial. See  
 5 18 U.S.C. § 3161(h)(8)(A).

6  
 7 SO STIPULATED:

8 JOSEPH P. RUSSONIELLO  
 United States Attorney

9  
 10 DATED: 4/22/2008 \_\_\_\_\_

/s/ Derek Owens

11 \_\_\_\_\_  
 DEREK R. OWENS  
 Assistant United States Attorney

12  
 13 DATED: 4/23/2008 \_\_\_\_\_

/s/ Steven Teich

14 \_\_\_\_\_  
 STEVEN EMERY TEICH  
 Attorney for Mr. Vian

15  
 16 For the reasons stated above, the Court finds that an exclusion of time from March 28,  
 17 2008 through April 24, 2008 is warranted and that the ends of justice served by the continuance  
 18 outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C.  
 19 §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny the  
 20 defendant of continuity of counsel and would deny defense counsel the reasonable time  
 21 necessary for effective preparation, taking into account the exercise of due diligence, and would  
 22 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

23  
 24 SO ORDERED.

25  
 26 DATED: \_\_\_\_\_

27 \_\_\_\_\_  
 THE HONORABLE JOSEPH C. SPERO  
 United States Magistrate Judge

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